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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 332nd MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 2 October 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Mauritius (HRI/CORE/1/Add.60; CRC/C/3/Add.36; CRF/C.12/WP.6; written replies by the Government, document without a symbol, distributed in English only)

1. At the invitation of the Chairperson, Mr. Peeroo, Mr. Baichoo, Mr. Seetulsingh, Mrs. Dwarka-Canabady and Mr. Lam (Mauritius) took their places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Mauritius. On behalf of the Committee, she thanked the Mauritian Government for its initial report (CRC/C/3/Add.36) and for the written replies it had provided to the list of issues to be taken up in connection with consideration of the report (CRC/C.12/WP.6).

3. Mr. PEEROO (Mauritius) said that the Mauritian Government had wished to have the initial report on implementation of the Convention on the Rights of the Child in Mauritius presented by a high-level delegation. He regretted that the Minister for Women's Rights, Child Development and Family Welfare had not been able to be part of the delegation. He recalled that Mauritius had been among the first 15 countries to sign and ratify the Convention on the Rights of the Child in 1990, and explained that it had not been possible to submit his country's initial report until 1995 on account of the practical difficulties to which Mauritius was subject as a result of limited resources. None the less, in 1995, Mauritius had also submitted three reports to the respective bodies dealing with application of the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In addition, in March 1996, Mauritius had submitted a report on implementation of the International Covenant on Civil and Political Rights, and was preparing to host the meeting of the African Commission on Human Rights in October 1996.

4. Mauritius was a nation of immigrants which proudly considered itself to be a unique example of racial harmony and tolerance, and was intent on bringing up its children in a harmonious society. The Mauritian Government was particularly committed to the preparation of international legislation governed by the universal principles of human rights, and of the rights of the child in particular.

5. The Government of Mauritius was especially sensitive to anything affecting children, and had immediately taken energetic measures when, recently, it had become aware of isolated cases of prostitution involving children, in connection with tourism. Since Mr. Ramgoolam had been elected Prime Minister, the Government of Mauritius had introduced free pre-primary education, and had adopted a constitutional amendment prohibiting any discrimination on the grounds of gender. It was also intended to appoint a presidential commission on the judicial and legal system which would have the task inter alia of setting up a family court, the purpose of which would be to protect the interests of the family in general, and children in particular.

6. The Mauritian Government supported the proposal that the number of Committee members should be increased, to enable it fully to discharge its remit. Perhaps States parties should submit reports at shorter intervals so that the Committee could follow the evolution of situations in the various countries more closely.

7. The CHAIRPERSON thanked the Mauritian delegation for its enlightening information regarding the intentions of its Government, and for its encouraging remarks addressed to the Committee. She invited the members of the Committee to ask the delegation questions on general measures for implementing the Convention in Mauritius.

8. Mrs. BADRAN thanked the delegation for its statement. She welcomed the Mauritian Government's decision to withdraw its reservation on article 22 of the Convention, and noted the steps taken by the Government to harmonize national legislation with the Convention on the Rights of the Child. Although it was a good idea to have concentrated responsibility for matters relating to women, family and children in a single body, the Ministry of Women's Rights, Child Development and Family Welfare, might it not place children at a disadvantage, since they were less well equipped than women to assert their rights before the authorities?

9. She inquired as to the exact status of the National Children's Council. If it did indeed have NGO status, the fact that it functioned under the aegis of a ministry might give reason to fear a curtailment of its freedom of action and independence. She also requested information on the progress of the project undertaken jointly by the Government of Mauritius and UNICEF. Noting the statement in the report that child abuse was a serious problem that could extend to infanticide, she asked the delegation whether studies had been made for the purpose of gaining a clearer insight into the causes of the phenomenon, and whether a service for the reception of victims of abuse continued to operate in district police stations. Finally, she asked whether the fact that the National Children's Council was required to obtain the permission of parents before intervening in cases of child abuse did not restrict its ability to take action.

10. Mrs. SARDENBERG drew attention to the absence of an institution responsible for coordinating State child protection services at the central and local levels, and asked how the relevant ministries cooperated to promote measures and initiatives on behalf of children. In that connection, she noted that an interministerial committee existed with responsibility for child prostitution, and wondered whether similar special committees had been created and, if so, on what principles were they founded. She requested further information on relations between the Government and non-governmental organizations. Had the latter been consulted in drafting the report before the Committee and, if so, how had collaboration been organized? Finally, did the Government intend to involve NGOs in implementing measures the Committee on the Rights of the Child might recommend in its concluding observations?

11. Mrs. KARP asked whether the National Children's Council was financed entirely or in part by the State, and requested information on the extent of its powers in drafting, coordinating, implementing and monitoring public policy regarding children. She also wondered how the implementation of

children's policies at the local level was monitored. In the event that local authority activities were financed by the Government, did the Government have the right of inspection over the manner in which funding allocated to children's services was used? Was the Ministry of Women's Rights, Child Development and Family Welfare involved in allocating funding to local bodies, or in their activities? Finally, she enquired whether the authorities assessed information programmes and activities intended to increase awareness of the Convention.

12. Miss MASON said it was surprising that the Island of Rodrigues had been mentioned only twice in the Mauritius report. She asked whether the report also covered that Island and requested the delegation to provide the Committee with information on the relationship between the two islands, and on the ethnic composition of their populations.

13. She asked whether a public debate had taken place regarding the Convention, when the report was drafted, and whether the media had been involved in awareness-raising and public information activities on the subject of the Convention. She also asked whether the Convention had been translated into the various local languages, and whether a subject dealing with the rights of the child had been incorporated in the school curriculum. Finally, did the officials and specialists involved in protecting children (teachers, police officers, judges and lawyers) receive training in connection with the Convention?

14. Mrs. EUFEMIO was surprised that such a small proportion (400,000 rupees) of the relevant Ministry's budget was earmarked for children and women in distress. Meanwhile, the budget for the police department dealing with children was particularly large. It might be useful, in future, to break down such figures further, in order to give the Committee a clearer understanding of exactly how funds allocated to children were used.

15. The CHAIRPERSON invited the delegation of Mauritius to answer the questions asked by members of the Committee.

16. Mr. PEEROO (Mauritius) began by explaining that the Mauritian Government had decided to concentrate matters relating to women and children in a single ministry, in the belief that all issues involving children should be dealt with in the light of the close relationship between child and family. The objective of that policy was to ensure that children were protected, and simultaneously to strengthen the family, in keeping with traditional Mauritian values.

17. Regarding the independence of non-governmental organizations, he said that the Government allocated subsidies to NGOs and furnished material resources to assist them in their activities. However, such organizations operated in a totally independent manner since the Government exercised only a symbolic right of inspection over their activities and over the manner in which they used their funds. Hence, NGOs and the Government worked quite independently towards common objectives.

18. The task of reviewing legislation was undertaken by a former Supreme Court Judge, on the basis of work done by UNICEF. However, when urgent

measures were necessary, the Ministry of Justice took immediate action by referring the matter to all bodies involved. The Ministry had, for example, ordered the closure of four discothèques suspected of promoting child prostitution, thereby eradicating the phenomenon before it could develop further. The Commissioner of Police had also created a specialized child abuse unit. Following a complaint by a public body, non-governmental organization or private individual, a probation officer would immediately be assigned to the case and the victim placed in the care of an appropriate civil body. The system had originally functioned only in the capital, but had subsequently been extended to cover the entire country, including the most outlying regions.

19. On the relationship between central Government and local authorities, he explained that the Cabinet included a Minister of Local Government who was fully informed of developments at the central level. The various administrative departments were autonomous, but the Minister of Local Government exercised a right of inspection over their activities, monitoring the use of funds allocated by central Government, and reporting back to the National Assembly. Local councillors were answerable to their electorate for use of the funds they received for inter alia financing nursery schools, hiring teachers or organizing socio-cultural activities for children. Regarding collaboration between NGOs and the Ministry of Women's Rights, Child Development and Family Welfare, he stressed that consultation was an essential principle of the Mauritian Government's policy. In that spirit, ministers met with all partners two months before drawing up the budget and subsequently supervised the way in which public funds were spent.

20. Regarding the media, he stated that the press was free and television was independent. The media acted as a genuine counterbalance, covering all activities of the various ministries. Meanwhile, the media did not hesitate to use their influence in the service of the rights of the child, thereby facilitating government action in that sphere. When the Ministry of Justice had become aware of cases of child prostitution, the press had immediately been informed so that the public could be made aware of the problem.

21. The efficiency of the child protection system was assessed by ministries, cases of child abuse being relatively rare in Mauritius. In the event of a problem, the Ministry of Women's Rights, Child Development and Family Welfare drafted a Cabinet memorandum to bring the situation to the attention of the Government as a whole, which would then decide on the steps to be taken.

22. Mr. SEETULSINGH (Mauritius) confirmed that the initial report of Mauritius had been drawn up in consultation with NGOs. Indeed, the appendices listed the individuals and organizations consulted. Referring to harmonization of legislation with the Convention, he directed attention to the statement in the report that such a measure was not necessary, given that Mauritian legislation already contained numerous provisions which closely resembled those of the Convention. Should it prove necessary in the future, however, to introduce more stringent measures, the Government would not hesitate to adopt additional instruments. Since the number of infanticides recorded in Mauritius was so low, no study had yet been conducted on the subject.

23. Relations between races were particularly harmonious, and the Government had not placed undue emphasis on the matter of the ethnic composition of the population in the most recent census so as not to encourage any division. He stated that the Mauritian population was made up of some 50 per cent Hindus, 15 per cent Muslims, 30 per cent Africans and 5 per cent of French or Chinese extraction. In general, the figures in the report also applied to the Island of Rodrigues, where children enjoyed special assistance in the form, for instance, of study grants or reserved places at universities. All languages spoken in Mauritius were taught in schools, in keeping with the principle of unity in diversity. Substantial funding was also devoted to teaching ethnic cultures.

24. The Mauritian population was familiar with the Convention, as a result of exposure in the press. None the less, he welcomed Miss Mason's suggestion regarding more in-depth training of teachers, judges and police officers on the subject of the Convention. In regard to the matter of setting up an independent body to monitor application of the Convention, he stated that his country did not yet have the financial resources for a children's ombudsman. That role was played mainly by the National Children's Council which was an independent statutory body, although its current president was an official of the Ministry of Women's Rights, Child Development and Family Welfare. The service responsible for children within the Ministry allocated available funding and ensured that it was correctly used.

25. Mrs. EUFEMIO asked whether budgetary allocations to programmes involving children resided on a prior assessment of the situation. In her view, it was desirable to establish specific objectives, for instance in combating malnutrition or boosting school attendance rates, before drafting new legislation.

26. Mrs. SARDENBERG asked how local authorities could influence distribution of funds allocated by central Government when new spheres of action were identified. For what reasons had the Government created an interministerial committee to combat child prostitution? It was her experience that such a measure could well prove ineffectual. In that connection, she asked how many such bodies existed and how they had been established. She also asked how the objectives of the National Programme of Action adopted after the World Summit for Children had been incorporated in education and health policies. Had the Mauritian Government cooperated with other United Nations bodies, besides UNICEF, in implementing the Convention? Finally, she commented that the report contained scant information on a number of issues, such as the situation of disabled children, and she asked whether the data-collecting system was sufficiently effective to serve as a basis for drafting realistic strategies.

27. Miss MASON stressed that the innovating principles of the Convention should lead to the adoption of new provisions in order to ensure that national legislation on the rights of the child was fully consistent with the Convention. She would be interested to know whether children participated in the public debates organized in Mauritius on the subject of the Convention. She was also worried that there might be a duplication of responsibilities

between the Police Department's child abuse unit and the Ministry's Child Protection Unit. Did police officers receive training in combating child abuse and were there social workers attached to police services?

28. Mrs. KARP, referring to the principle in the Convention whereby public authorities should mobilize all available resources for implementing the Convention, asked whether each ministry was free to tailor its policies to the priorities it considered essential, or whether the Government was responsible for setting ministries' policies relating to children. She also asked how the Convention was reflected in policies pursued by individual ministries, and whether an independent body existed for monitoring such policies.

29. She noted that the ministry in question had shut down the premises where child prostitution had been conducted and had instituted proceedings against those responsible. Had measures been taken to assist the victims and integrate them into society?

30. Mr. KOLOSOV said that, in legislation, in administrative instruments and in daily life, public authorities should take more account of the fact that Mauritian children could not be considered as their family's possession, however precious, but as individuals in their own right. The report stated that national legislation applied to every Mauritian citizen and that the rights of all citizens were guaranteed by the Constitution. It would therefore be appropriate to embody in legislation the rights and freedoms of children, particularly freedom of association and of information. By way of example, he drew attention to the contradiction between the assertion that the rights of all Mauritians were guaranteed by legislation, and the fact that only citizens of over 18 years of age could freely marry.

31. Mrs. BADRAN said she was unclear about how the Ministry of Women's Rights, Child Development and Family Welfare could monitor the activities of the National Children's Council when it was the Council which coordinated the activities of the Ministry and NGOs. She did not understand how a body could coordinate the activities of the institution that controlled it.

The meeting was suspended at 4.55 p.m. and resumed at 5.05 p.m.

32. Mr. PEEROO (Mauritius) said the national budget was drawn up with a view to satisfying the needs of the population as a whole, and the Government did not allocate funding to individual ministries to be devoted specifically to children. However, the education budget, which was in excess of 2 billion rupees, was intended essentially to cater to the needs of minors under 18 years of age. In addition, parents of disabled children and the various NGOs working with children received special support from the State.

33. In Mauritius, school attendance was obligatory and parents who failed to send their children to school were subject to penalties. Mauritius had a literacy rate of 95 per cent. No cases of malnutrition were recorded, and only 1.6 per cent of the population was unemployed. When the authorities of a village required funding, they first approached the local authorities which, if necessary, applied to the district council which in turn, if in difficulty, requested assistance from the relevant ministry.

34. He was not in a position to furnish information on the interministerial committee mentioned in the report, since the report had been drafted by the previous Government. However, he stressed that when cases of sexual exploitation of children had been reported, he had informed the Cabinet which had then convened representatives of the Ministry of Women's Rights, Child Development and Family Welfare, the Ministry of Labour and Industrial Relations and the Ministry of the Interior. That was how an interministerial committee had been formed to deal with the problem.

35. The Central Statistical Office possessed data on disabled children which would be passed on to the Committee as soon as possible. He explained that disabled children were the responsibility of the Ministry of Social Security, and that their families received an allowance. In addition, private individuals could deduct any sums donated for that purpose from their income tax.

36. Officials of the Ministry of Women's Rights, Child Development and Family Welfare, in cooperation with socio-cultural organizations and NGOs, organized seminars on the rights of the child, for parents. Police officials belonging to the unit specially created to deal with cases of maltreatment of children were primarily women and did not necessarily receive any special professional training. Police stations had a telephone hotline with NGOs and with the Ministry, which could send out child psychologists.

37. Ministries had collective responsibility in a system of government based on the British model, and children did not in themselves represent a specific object of government policy. None the less, the suggestion that an independent body might be set up to monitor the situation of children would be communicated to the ministry concerned.

38. Child prostitution was confined to the poorest regions of the country and very few cases had been recorded. The study that had been carried out on that subject had revealed that parents, on occasion, particularly in cases of drug addiction, might encourage their children to engage in prostitution. Consequently, the Mauritian Government had earmarked 15 million rupees for assistance to exclusion zones, where economic development had been slowest, while the Prime Minister himself headed an interministerial committee responsible for monitoring the situation and for taking the necessary action.

39. According to the traditional and religious values of Mauritian society, the child was considered as a human being with rights and duties, but could only be properly protected if he was an integral part of the family. Moreover, the concept of "parental authority" as embodied in the Civil Code inherited from France was exercised over the child until age 18. Finally, the National Children's Council was merely a link between NGOs and the Government, and did not supervise the activities of NGOs or of the Ministry concerned.

40. Mr. SEETULSINGH (Mauritius) said that it was not possible to calculate total public funds devoted to children. None the less, of the 88 million rupees allocated to the budget of the Ministry of Women's Rights, Child Development and Family Welfare, over 60 million were earmarked directly for activities involving, inter alia, development of the child and combating exclusion in disadvantaged areas.

41. The CHAIRPERSON invited members of the Committee to ask their questions on the section of the list of issues to be taken up in connection with general principles.

42. Mrs. SARDENBERG requested clarification on several points, namely the mode of operation of the information and data collection system regarding children, the possible application of an overall strategy based on the National Programme of Action drafted in the context of the World Summit for Children and the extent of disparities recorded in the "exclusion" areas.

43. Mrs. EUFEMIO said that the Committee needed information on public funding allocated to children in order to draw up recommendations. She asked therefore what proportion of the budget of the police department and of the local authorities was devoted to children. She emphasized that the Mauritian Government should endeavour to provide such information, to demonstrate how it complied with the provisions of the Convention, particularly article 4.

44. Mrs. BADRAN suggested that the Mauritian Government might, initially, provide an approximate estimate of the sums devoted to children, so that the subsequent trend could be monitored.

45. On general principles, she inquired what form of discrimination on the basis of sex was to be eliminated by the law that was soon to go before Parliament, and asked the Mauritian delegation to give examples of the way in which the best interests of the child were observed within the family. She also requested practical information on the operation of the telephone hotlines mentioned by Mr. Peeroo.

46. Mrs. KARP asked whether parents respected the dignity of the child, whether the concept was taught, and whether they took the views of children into account. She would also be interested to know what the Mauritian delegation thought of the innovative ideas embodied in the Convention, and what measures might be taken to encourage parents and professionals to ensure that children participated in decisions affecting them.

47. Miss MASON questioned the need to pass new legislation regarding discrimination on the basis of sex since all such references had been expunged from the Constitution in August 1995. She also enquired as to the general public's attitude towards children born out of wedlock, particularly following the adoption of new legislation guaranteeing equal rights, for instance in matters of inheritance, for legitimate and illegitimate children. Finally, on the basis of what criteria did the judge decide whether a child appearing before the court required legal assistance?

The meeting rose at 6.05 p.m.